

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

AMERICAN SELECT  
INSURANCE CO., *et al.*,

Plaintiffs,  
v.  
Case No. 23-cv-11942  
Hon. Matthew F. Leitman

GREAT LAKES WATER  
AUTHORITY, *et al.*,

Defendants.

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**ORDER (1) GRANTING PLAINTIFFS LEAVE TO FILE A  
THIRD AMENDED COMPLAINT AND (2) TERMINATING  
DEFENDANTS' PENDING DISPOSITIVE MOTIONS WITHOUT  
PREJUDICE AS MOOT (ECF Nos. 25, 28)**

On July 1, 2024, the Court held a hearing on (1) Defendants City of Detroit's and Detroit Water and Sewerage Department's motion to dismiss (ECF No. 25) and (2) Defendant Great Lakes Water Authority's motion for judgment on the pleadings (ECF No. 28).

For the reasons explained on the record, Plaintiffs are granted leave to file a Third Amended Complaint. Plaintiffs shall file that pleading by no later than July 22, 2024. Defendants shall answer or otherwise respond to the Third Amended Complaint by no later than August 19, 2024. This is Plaintiffs' final opportunity to plead facts currently known to them that could plausibly support their claims and

that address the concerns raised in Defendants' motions and during the Court's hearing on the motions. The Court will not allow Plaintiffs to file an additional Complaint to add factual allegations that they could now allege in a Third Amended Complaint. Finally, as a condition of filing a Third Amended Complaint, Plaintiffs shall pay the reasonable attorneys' fees for the portions of Defendants' motions and reply briefs addressing allegations that the system at issue was defectively designed because it was not designed to handle a foreseeable amount of rain.

In light of the Court's decision to grant Plaintiffs leave to file a Third Amended Complaint, it **TERMINATES** Defendants' now-pending dispositive motions (ECF Nos. 25, 28) **WITHOUT PREJUDICE AS MOOT**.

**IT IS SO ORDERED.**

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: July 1, 2024

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on July 1, 2024, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

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